

AMENDED IN ASSEMBLY MARCH 29, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1561**

**Introduced by Assembly Member Kelley**

February 23, 2001

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~~An act relating to water.~~ *An act to add Chapter 13 (commencing with Section 2960) to Division 3 of the Fish and Game Code, relating to the Colorado River, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1561, as amended, Kelley. Colorado River.

Under existing law, the state undertakes environmental and water supply planning with regard to the Colorado River.

~~This bill would make legislative findings and declarations regarding the Colorado River.~~

*Existing law authorizes the taking of endangered, threatened, and candidate species under certain circumstances.*

*This bill would authorize the Department of Fish and Game and the Fish and Game Commission to authorize the taking of certain birds and fully protected species caused by the implementation of any component of the Lower Colorado River Multi-Species Conservation Program established by the States of California, Arizona, and Nevada and approved by the department, or by the implementation of any component of the May 11, 2000, working draft of California's Colorado River Water Use Plan.*

*Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department to pay all necessary expenses*

incurred in carrying out the Fish and Game Code and any other law for the protection and preservation of birds, mammals, reptiles, and fish.

*This bill would make an appropriation by providing new statutory authority for the department.*

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. The Legislature hereby finds and declares all of~~  
*SECTION 1. Chapter 13 (commencing with Section 2960) is*  
*added to Division 3 of the Fish and Game Code, to read:*

*CHAPTER 13. COLORADO RIVER*

*2960. Notwithstanding any other provision of law, the commission or the department may authorize the taking of any species which is identified in Section 3503.5, 3505, 3511, 4700, 5050, or 5515, and which taking is caused by the implementation of any component of the Lower Colorado River Multi-Species Conservation Program, established by the States of California, Arizona, and Nevada and approved by the department, or by the implementation of any component of the May 11, 2000, working draft of the California's Colorado River Water Use Plan prepared by the Colorado River Board of California and necessary for California to transition to its normal annual Colorado River water apportionment of 4.4 million acre feet, and as that plan may be amended by that board. The taking of any such species shall be authorized under the same conditions as the commission or the department may authorize the taking of an endangered, threatened, or candidate species pursuant to Chapter 1.5 (commencing with Section 2050) of, or Chapter 10 (commencing with Section 2800) of, Division 3.*

~~the following:~~

~~(a) California will be required to reduce the amount of Colorado River water it uses. Beyond its basic apportionment of Colorado River water, California will no longer be assured of the availability of water apportioned to, but unused by, Arizona and Nevada, or the availability of surplus water under this surplus water apportionment.~~

1 ~~(b) California's Colorado River Water Use Plan is a framework~~  
2 ~~document being developed to allow California to meet its~~  
3 ~~Colorado River water needs from within its basic annual~~  
4 ~~apportionment of 4.4 million acre-feet.~~

5 ~~(c) Representatives from Arizona, California, Nevada, Native~~  
6 ~~American tribes, the United States, local regional water and power~~  
7 ~~management agencies, and other stakeholders have formed a~~  
8 ~~partnership to develop a first-of-its-kind multispecies~~  
9 ~~conservation program directed at protecting sensitive, threatened,~~  
10 ~~and endangered species of fish and wildlife and their habitats. The~~  
11 ~~plan will be implemented over a 50-year period following its~~  
12 ~~planned adoption in early 2002.~~

13 ~~(d) The expeditious completion and implementation of~~  
14 ~~California's Colorado River Water Use Plan is of paramount~~  
15 ~~importance to California's economy, the seventh largest in the~~  
16 ~~world, and to the continued health, safety, and welfare of all of its~~  
17 ~~citizens.~~

